

Background

An RCE was filed in this application on Aug. 22, 2006. An amendment to the claims accompanied the RCE. With that amendment, Claims 1 - 3 were amended; Claim 4 was canceled; Claims 5 and 6 were amended; and new Claim 7 was added.

The Office Action of Jan. 19, 2007 rejected Claims 1 - 3 and 5 - 7 on a Sec. 103 basis in view of a single reference, Ahlstone (U.S. Pat. No. 5,823,075), apparently combined with "Applicant's admitted prior art."

To distill the Office Action even further, as Applicant understands it:

- it is the "alternate" jaw insert shape shown in Fig. 5 of Ahlstone (and very brief description accompanying same) which is used to form the basis for the Sec. 103 rejection.

It therefore appears to Applicant that the relevant issue is whether Fig. 5 of Ahlstone, and the accompanying written description (which appears to be only Col. 4, lines 34 and 35; and Col. 6, lines 32 through 36) (combined with prior art disclosed by Applicant), disclose the non-symmetrical tong die as claimed in Claims 1 and 5 (and the dependent claims) of the present application.

Applicant respectfully asserts that Fig. 5 of Ahlstone and the relevant accompanying written description (singly or in combination with prior art) does not disclose the inventions as claimed, therefore the inventions of Claims 1 and 5 are patentable.

Remarks

The Office Action appears to give little, if any, weight to previously presented arguments that the tong die shape of Fig. 5 of Ahlstone was specifically and only envisioned for tubular diameters *smaller than* those grippable by a symmetric tong die. Applicant again points out that both the drawing, and the accompanying written description, are clear that whatever shape is

disclosed in Ahlstone (and it is not clear that same is a section of the arc of a parabola), and the fact that Fig. 5 of Ahlstone shows no gripping teeth on that portion of the die which would contact larger diameter tubulars, make the Ahlstone tong die suitable only for *smaller*, not larger, tubular outer diameters (than would a symmetric die be capable of gripping).

The Examiner's attention is invited first to Col. 4, lines 34 and 35, describing the "alternate jaw insert." Ahlstone clearly states there that Fig. 5 "... illustrat[es] an alternate jaw insert for gripping *smaller diameter tubing* . . ." (italics added). Reinforcing that statement, at Col. 6, line 32, Ahlstone states "A second set of jaw inserts 70', one of which is illustrated in FIG. 5, is shaped so as to extend further in a radially inward direction towards the center of the ring gear for engaging a range of *smaller diameter tubes* . . ." Both statements are consistent with another attribute of the jaw insert 70' shown in Fig. 5, namely that no gripping teeth are disclosed over that portion of the gripping surface which would engage a *larger* diameter tubular.

In short, such jaw insert shape as is shown in Fig. 5 of Ahlstone - and there is no clear showing that same is a section of the arc of a parabola - was clearly not envisioned to grip a tubular larger than the "symmetric" jaw insert also disclosed in Ahlstone.

Claims 1 and 5, however, claim a die having a parabolic cross section which grips both smaller and larger tubular diameters than would be grippable by a symmetric die. It would not be obvious to a person having ordinary skill in the relevant art, in view of the teachings of Ahlstone, to modify Ahlstone (both as to the shape of the die, and the addition of gripping teeth over the entirety of the gripping surface) so as to adapt Ahlstone to grip larger tubulars (than the symmetric die). As such, the inventions of Claims 1 and 5 are patentable over Ahlstone.

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Conclusion

For all of the above reasons, Applicant submits that the claims are in proper form and define patentable subject matter over the cited prior art. Applicant respectfully requests early consideration of this Response and allowance of the claims thereafter.

Respectfully submitted,



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